



General Assembly

January Session, 2009

***Raised Bill No. 912***

LCO No. 3434

\*03434\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING THE DEFINITION OF ADMINISTRATIVE  
FUNCTIONS UNDER THE FREEDOM OF INFORMATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-200 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in this chapter, the following words and phrases shall have  
4 the following meanings, except where such terms are used in a context  
5 which clearly indicates the contrary:

6 (1) "Public agency" or "agency" means:

7 (A) Any executive, administrative or legislative office of the state or  
8 any political subdivision of the state and any state or town agency, any  
9 department, institution, bureau, board, commission, authority or  
10 official of the state or of any city, town, borough, municipal  
11 corporation, school district, regional district or other district or other  
12 political subdivision of the state, including any committee of, or  
13 created by, any such office, subdivision, agency, department,  
14 institution, bureau, board, commission, authority or official, and also

15 includes any judicial office, official, or body or committee thereof but  
16 only with respect to its or their administrative functions;

17 (B) Any person to the extent such person is deemed to be the  
18 functional equivalent of a public agency pursuant to law; or

19 (C) Any "implementing agency", as defined in section 32-222.

20 (2) "Meeting" means any hearing or other proceeding of a public  
21 agency, any convening or assembly of a quorum of a multimember  
22 public agency, and any communication by or to a quorum of a  
23 multimember public agency, whether in person or by means of  
24 electronic equipment, to discuss or act upon a matter over which the  
25 public agency has supervision, control, jurisdiction or advisory power.  
26 "Meeting" does not include: Any meeting of a personnel search  
27 committee for executive level employment candidates; any chance  
28 meeting, or a social meeting neither planned nor intended for the  
29 purpose of discussing matters relating to official business; strategy or  
30 negotiations with respect to collective bargaining; a caucus of members  
31 of a single political party notwithstanding that such members also  
32 constitute a quorum of a public agency; an administrative or staff  
33 meeting of a single-member public agency; and communication  
34 limited to notice of meetings of any public agency or the agendas  
35 thereof. A quorum of the members of a public agency who are present  
36 at any event which has been noticed and conducted as a meeting of  
37 another public agency under the provisions of the Freedom of  
38 Information Act shall not be deemed to be holding a meeting of the  
39 public agency of which they are members as a result of their presence  
40 at such event.

41 (3) "Caucus" means (A) a convening or assembly of the enrolled  
42 members of a single political party who are members of a public  
43 agency within the state or a political subdivision, or (B) the members of  
44 a multimember public agency, which members constitute a majority of  
45 the membership of the agency, or the other members of the agency  
46 who constitute a minority of the membership of the agency, who

47 register their intention to be considered a majority caucus or minority  
48 caucus, as the case may be, for the purposes of the Freedom of  
49 Information Act, provided (i) the registration is made with the office of  
50 the Secretary of the State for any such public agency of the state, in the  
51 office of the clerk of a political subdivision of the state for any public  
52 agency of a political subdivision of the state, or in the office of the clerk  
53 of each municipal member of any multitown district or agency, (ii) no  
54 member is registered in more than one caucus at any one time, (iii) no  
55 such member's registration is rescinded during the member's  
56 remaining term of office, and (iv) a member may remain a registered  
57 member of the majority caucus or minority caucus regardless of  
58 whether the member changes his or her party affiliation under chapter  
59 143.

60 (4) "Person" means natural person, partnership, corporation, limited  
61 liability company, association or society.

62 (5) "Public records or files" means any recorded data or information  
63 relating to the conduct of the public's business prepared, owned, used,  
64 received or retained by a public agency, or to which a public agency is  
65 entitled to receive a copy by law or contract under section 1-218,  
66 whether such data or information be handwritten, typed, tape-  
67 recorded, printed, photostated, photographed or recorded by any  
68 other method.

69 (6) "Executive sessions" means a meeting of a public agency at  
70 which the public is excluded for one or more of the following  
71 purposes: (A) Discussion concerning the appointment, employment,  
72 performance, evaluation, health or dismissal of a public officer or  
73 employee, provided that such individual may require that discussion  
74 be held at an open meeting; (B) strategy and negotiations with respect  
75 to pending claims or pending litigation to which the public agency or a  
76 member thereof, because of the member's conduct as a member of such  
77 agency, is a party until such litigation or claim has been finally  
78 adjudicated or otherwise settled; (C) matters concerning security

79 strategy or the deployment of security personnel, or devices affecting  
80 public security; (D) discussion of the selection of a site or the lease, sale  
81 or purchase of real estate by a political subdivision of the state when  
82 publicity regarding such site, lease, sale, purchase or construction  
83 would cause a likelihood of increased price until such time as all of the  
84 property has been acquired or all proceedings or transactions  
85 concerning same have been terminated or abandoned; and (E)  
86 discussion of any matter which would result in the disclosure of public  
87 records or the information contained therein described in subsection  
88 (b) of section 1-210.

89 (7) "Personnel search committee" means a body appointed by a  
90 public agency, whose sole purpose is to recommend to the appointing  
91 agency a candidate or candidates for an executive-level employment  
92 position. Members of a "personnel search committee" shall not be  
93 considered in determining whether there is a quorum of the  
94 appointing or any other public agency.

95 (8) "Pending claim" means a written notice to an agency which sets  
96 forth a demand for legal relief or which asserts a legal right stating the  
97 intention to institute an action in an appropriate forum if such relief or  
98 right is not granted.

99 (9) "Pending litigation" means (A) a written notice to an agency  
100 which sets forth a demand for legal relief or which asserts a legal right  
101 stating the intention to institute an action before a court if such relief or  
102 right is not granted by the agency; (B) the service of a complaint  
103 against an agency returnable to a court which seeks to enforce or  
104 implement legal relief or a legal right; or (C) the agency's consideration  
105 of action to enforce or implement legal relief or a legal right.

106 (10) "Freedom of Information Act" means this chapter.

107 (11) "Governmental function" means the administration or  
108 management of a program of a public agency, which program has  
109 been authorized by law to be administered or managed by a person,

110 where (A) the person receives funding from the public agency for  
 111 administering or managing the program, (B) the public agency is  
 112 involved in or regulates to a significant extent such person's  
 113 administration or management of the program, whether or not such  
 114 involvement or regulation is direct, pervasive, continuous or day-to-  
 115 day, and (C) the person participates in the formulation of  
 116 governmental policies or decisions in connection with the  
 117 administration or management of the program and such policies or  
 118 decisions bind the public agency. "Governmental function" shall not  
 119 include the mere provision of goods or services to a public agency  
 120 without the delegated responsibility to administer or manage a  
 121 program of a public agency.

122 (12) "Administrative functions" means: (A) All matters not directly  
 123 related to judicial decision-making in individual court cases, and (B)  
 124 those matters that relate to the management of the internal  
 125 institutional machinery of the judicial branch, including, but not  
 126 limited to, budgeting, accounting, rulemaking, personnel, facilities,  
 127 physical operations, docketing, recordkeeping and scheduling.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	1-200
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**Statement of Purpose:**

To ensure access to certain court records, except those records that relate directly to decision-making in individual cases.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*